

14/ Letter re
Prior art
w/att

BeT
9-4-98

File # 2055/0E203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David C. WATKINS et al.

Serial No.: 08/594,175

Group Art Unit: 1615 GROUP 1600

Filed: 01/31/96

Examiner: Gollamudi KISHORE

For: LIPID VESICLES FORMED WITH ALKYLAMMONIUM FATTY ACID SALTS

STATUS INQUIRY

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

August 12, 1998


Sir:

This letter is to request Examiner initialled copies of the PTO Form 1449's which have been filed in the present patent application. Information Disclosure Statements and PTO Form 1449's were filed in this case on January 28, 1997 and July 20, 1998 (copies of both Information Disclosure Statements and their accompanying PTO Form 1449's are attached herewith). An acknowledgement of

receipt (dated May 29, 1997) of the Information Disclosure Statement and PTO Form 1449 filed January 28, 1997 was received by this office but no initialled copies of this or of the PTO Form 1449 filed July 20, 1998 were received. Applicants request issuance of Examiner initialed PTO Form 1449's.

In addition, Part B of PTOL-85 dated August 5, 1998 was missing from the Notice of Allowance received by this office. Applicants request issuance of a Supplemental Notice of Allowance.

Respectfully submitted,



Anne E. Zitron
Reg. No. 41,391
Agent for Applicants

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805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

(D&D Form PTO 24)

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144-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

X

Applicant : Hayward, et al

Group Art Unit: 1302

Serial No. : 08/594,175

Examiner: Not Yet Assigned

Filed : Jan. 31, 1996

For : LIPID VESICLES FORMED
WITH ALKYLAMMONIUM
FATTY ACID SALTS:

-----X

Ass't Commissioner of Patents and Trademarks
Washington, D.C. 20231

Certificate of Mail
I hereby certify that this paper and
every paper referred to therein is
addressed to:
Ass't Commissioner of Patents and Trademark
Washington, DC 20231,
and is being deposited with the U.S.
Postal Service as first class mail with
the proper postage affixed on this 28th
day of January, 1997.

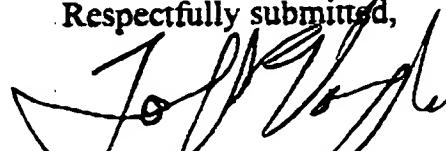
INFORMATION DISCLOSURE STATEMENT

John F. Vodopia
JF Vodopia, Esq (36,299)
1/28/97

Sir:

It is respectfully requested that the references listed on the enclosed Form PTO-1449 be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

Respectfully submitted,



John F. Vodopia (Reg. 36,299)
3 Rensselaer Dr.
Commack, NY 11721
(516) 499-7813

Dated: January 28, 1997

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

SHEET 1 OF 2
(REV. 7-80)LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

DOCKET NO.: 2055/0E203
APPLICANT: David C. WATKINS et al.
FILING DATE: 01/31/96

SERIAL NO: 08/594,175

U.S. PATENT DOCUMENTS

<u>EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>NAME</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>FILING DATE</u>
1	4,761,288	08/02/88	Mezer			09/10/85
2	5,296,231	03/22/94	Yarosh			06/27/89
3	4,897,269	01/30/90	Mezer			06/27/88
4	2,650,165	08/25/53	Wahl			05/31/50
5	4,032,663	06/28/77	Kobayashi et al			04/09/76
6	5,262,310	11/16/93	Karube et al.			05/22/92
7	5,277,913	01/11/94	Thompson et al.			09/09/91
8	4,619,794	10/28/86	Hauser			01/29/85
9	5,032,457	07/16/91	Wallach			09/21/89
10	4,217,344	08/12/80	Vanierberghe et al.			12/29/77
11	4,483,921	11/20/84	Cole			04/28/82
12	4,342,826	08/03/82	Cole			01/12/81
13	5,466,467	11/14/95	Singh			03/30/94
14	5,190,764	03/02/93	Chiba et al.			03/03/89
15	5,000,958	03/19/91	Fountain et al.			07/26/84
16	4,812,312	03/14/89	Lopez-Berestein et al.			03/03/87
17	5,164,182	11/17/92	Meybeck et al			06/10/88
18	5,128,139	07/07/92	Brown et al.			02/15/91
19	5,443,839	08/22/95	Meybeck			02/12/92
20	4,708,861	11/24/87	Popescu et al			01/31/85
21	4,485,054	11/27/84	Mezer et al.			10/04/82
22	4,978,654	12/18/90	Lopez-Berestein et al.			01/12/87
23	4,873,088	10/10/89	Mayhew et al			07/13/87
24	4,663,167	05/05/87	Lopez-Berestein et al			04/16/84
25	5,262,310	11/16/93	Karube et al			05/22/92
26	4,247,411	01/27/81	Vanierberghe et al			01/31/79
27	4,857,319	08/15/89	Crowe et al			05/21/87
28	4,911,928	03/27/90	Wallach			03/03/88
29	4,235,871	11/25/80	Papahadjopoulos et al			02/24/78
30	5,366,881	11/22/94	Singh et al			02/23/93
31	4,888,288	12/19/89	Wagner			01/30/86
32	5,585,109	12/17/96	Hayward et al			08/24/95
33	4,533,254	08/06/85	Cook et al			02/21/84
34	4,721,612	01/26/88	Janoff et al.			04/10/85
35	4,908,154	03/13/90	Cook et al			05/26/87

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

SHEET 2 OF 2
(REV. 7-80)LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

DOCKET NO.: 2055/0E203
APPLICANT: David C. WATKINS et al.
FILING DATE: 01/31/96

SERIAL NO: 08/594,175

FOREIGN PATENT DOCUMENTS

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>	<u>CLASS</u>	<u>TRANSLATION</u>	
					<u>SUBCLASS</u>	<u>YES</u> <u>NO</u>
36	0 158 441 A2	10/16/85	EP			
37	57-82311	11/11/80	JP			x (Abstract)
38	0 561 424 B1	03/05/97	EP			

OTHER REFERENCES(INCLUDING AUTHOR, TITLE DATE, PERTINENT PAGES, ETC.)*EXAMINER
INITIALS

39. Hargreaves, W R et al., Monoalkyl Liposomes 17(18) 3759, 1978
40. Kaler, E.W. et al., Science 245 1371, Sept. 22, 1989

EXAMINER: _____ DATE CONSIDERED: _____

*EXAMINER

(D&D Form PTO-17)

Initial if reference considered, whether or not citation is in conformance with MPEP 609. draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/594,175	01/31/96	WATKINS	D

15M1/0529

 JOHN F. VODOPIA
3 LONE OAK DR
CENTERPORT NY 11721

EXAMINER

KISHORE, G

ART UNIT

PAPER NUMBER

1502

3

05/29/97

DATE MAILED:

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

 A shortened statutory period for response to this action is set to expire 3 month(s). _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- 1.
- ☒
- Claims
- 1 - 38
- are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

- 2.
- ☐
- Claims _____ have been cancelled.

- 3.
- ☐
- Claims _____ are allowed

- 4.
- ☒
- Claims
- 1 - 38
- are rejected.

- 5.
- ☐
- Claims _____ are objected to.

- 6.
- ☐
- Claims _____ are subject to restriction or election requirement.

- 7.
- ☐
- This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

- 8.
- ☐
- Formal drawings are required in response to this Office action.

- 9.
- ☐
- The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are
- ☐
- acceptable;
- ☐
- not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

- 10.
- ☐
- The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been
- ☐
- approved by the examiner;
- ☐
- disapproved by the examiner (see explanation).

- 11.
- ☐
- The proposed drawing correction, filed _____, has been
- ☐
- approved;
- ☐
- disapproved (see explanation).

- 12.
- ☐
- Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has
- ☐
- been received
- ☐
- not been received
- ☐
- been filed in parent application, serial no. _____; filed on _____.

- 13.
- ☐
- Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in

EXPRESS MAIL CERTIFICATE

Date 7/20/98 Label No. 504 45427510

I hereby certify that, on the date indicated above I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner of Patents & Trademarks, Washington, DC 20231 by Express Mail Post Office to addressee service.

Name (Print) DB BeckSignature [Signature]

2055/0E203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of. David C. WATKINS et al.

Serial No.: 08/594,175

Group Art Unit: 1615

Filed: 01/31/96

Examiner: GOLLAMUDI KISHORE

For: LIPID VESICLES FORMED WITH ALKYLAMMONIUM FATTY ACID SALTS

July 20, 1998

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the disclosure duty under 37 CFR §§ 1.56 and 1.97, the documents listed below and on the accompanying PTO-1449 form are enclosed.¹ These

¹ If a listed document is not in the English language and an English translation is readily available, such translation is also enclosed and attached to the copy of the document. If a translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then the English equivalent patent is also listed on the enclosed form along with the corresponding foreign language patent and a connecting arrow indicates the relationship

documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent:

1. USP 4,761,288, filed 08/02/88 (Mezei)
2. USP 5,296,231, filed 03/22/94 (Yarosh)
3. USP 4,897,269, filed 01/30/90 (Mezei)
4. USP 2,650,165, filed 08/25/53 (Wahl)
5. USP 4,032,663, filed 06/28/77 (Kobayashi et al.)
6. USP 5,262,310, filed 11/16/93 (Karube et al.)
7. USP 5,277,913, filed 01/11/94 (Thompson et al.)
8. USP 4,619,794, filed 10/28/86 (Hauser)
9. USP 5,032,457, filed 07/16/91 (Wallach)
10. USP 4,217,344, filed 08/12/80 (Vanlerberghe et al.)
11. USP 4,483,921, filed 11/20/84 (Cole)
12. USP 4,342,826, filed 08/03/82 (Cole)
13. USP 5,466,467, filed 11/14/95 (Singh)
14. USP 5,190,764, filed 03/02/93 (Chiba et al.)
15. USP 5,000,958, filed 03/19/91 (Fountain et al.)
16. USP 4,812,312, filed 03/14/89 (Lopez-Berestein et al.)
17. USP 5,164,182, filed 11/17/92 (Meybeck et al.)
18. USP 5,128,139, filed 07/07/92 (Brown et al.)
19. USP 5,443,839, filed 08/22/95 (Meybeck)
20. USP 4,708,861, filed 11/24/87 (Popescu et al.)
21. USP 4,485,054, filed 11/27/84 (Mezei et al.)
22. USP 4,978,654, filed 12/18/90 (Lopez-Berestein et al.)
23. USP 4,873,088, filed 10/10/89 (Mayhew et al.)
24. USP 4,663,167, filed 05/05/87 (Lopez-Berestein et al.)
25. USP 5,262,310, filed 11/16/93 (Karube et al.)
26. USP 4,247,411, filed 01/27/81 (Vanlerberghe et al.)
27. USP 4,857,319, filed 08/15/89 (Crowe et al.)
28. USP 4,911,928, filed 03/27/90 (Wallach)
29. USP 4,235,871, filed 11/25/80 (Papahadjopoulos et al.)
30. USP 5,366,881, filed 02/23/93 Singh et al.
31. USP 4,888,288, filed 01/30/86 Wagner
32. USP 5,585,109, filed 08/24/95 Hayward et al.
33. USP 4,533,254, filed 02/21/84 Cook et al.
34. USP 4,721,612, filed 04/10/85 Janoff et al.
35. USP 4,908,154, filed 05/26/87 Cook et al.

between them. If no such English language equivalent is cited, then none is known to the undersigned

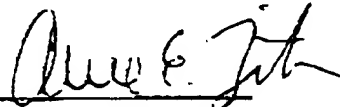
36. EP 0 158 441 A2, 10/16/85
37. JP 57-82311, 11/11/80
38. EP 0 561 424 B1, 03/05/97
39. Hargreaves, W.R. et al., Monoalkyl Liposomes 17(18):3759, 1978
40. Kaler, E.W. et al., Science 245:1371, Sept. 22, 1989

In accordance with MPEP Sections 609 and 707.05(b) it is requested that each document cited (including any cited in applicants' specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with.

The present Disclosure Statement is also being submitted in compliance with 37 CFR § 1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents are relevant or effective as prior art, or that they represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR §§ 1.104(a) and 1.106(b), and in the course of such search will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,



Anne E. Zitron, Ph.D

Reg. No. 41,391

Agent for Applicant(s)

DARBY & DARBY
805 Third Avenue
New York, New York 10022
(212) 527-7700